

AND NOW, this 15th day of September, 2008;

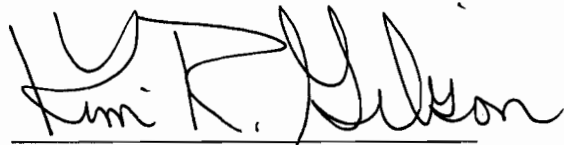
IT IS HEREBY ORDERED that Defendants' Motion to Dismiss, or in the alternative, Motion for Summary Judgment (doc. no. 21) is **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no.31) of Magistrate Judge Lenihan dated August 18, 2008, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

Kim R. Gibson
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Hansen Suggs
GT-1097
SCI Somerset
1600 Walters Mill Road
Somerset, PA 15510